

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DARRYL LEE CHERRY,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 04-292 ERIE
)	
UNITED STATES OF AMERICA,)	JUDGE MCLAUGHLIN
DR. OLSON, FCI-MCKEAN,)	MAGISTRATE JUDGE BAXTER
DR. BEAM, FCI-MCKEAN, MR. SMITH,)	
HOSPITAL ADMINISTRATOR,)	Electronically Filed
JAMES F. SHERMAN, WARDEN)	
FCI-MCKEAN, D. SCOTT DODRILL,)	
REGIONAL DIRECTOR,)	
HARRELL WATTS, ADMINISTRATOR,)	
NEWTON E. KENDIG,)	
BOP MEDICAL DIR.)	
)	
Defendants.)	

ORDER OF COURT

AND NOW, this ____ day of _____, 2005, upon consideration of Defendants' Motion to Dismiss or, in the Alternative, Motion for Summary Judgment, and upon further consideration of any response thereto,

IT IS HEREBY ORDERED that defendants' motion is **GRANTED** and Plaintiff Darryl Lee Cherry's Amended Complaint against defendants is hereby **DISMISSED WITH PREJUDICE**.

_____, J.

cc: All parties of record